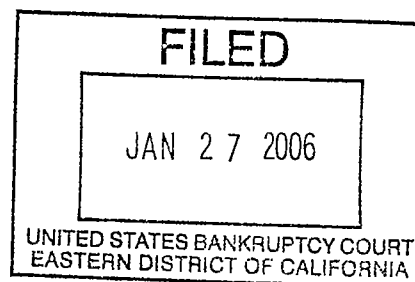


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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In re)	Case No. 04-33201-C-7
)	
LAWRENCE CRUMBLY and)	MC No. JHK-1
KATHERINE R. CRUMBLY,)	
)	
Debtors.)	

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
ON MOTION FOR RELIEF FROM AUTOMATIC STAY**

These findings of fact and conclusions of law are rendered in this contested matter pursuant to Federal Rule of Civil Procedure 52 as incorporated by Federal Rules of Bankruptcy Procedure 7052 and 9014. Evidence was taken pursuant to Federal Rule of Civil Procedure 43(e), as incorporated by Federal Rule of Bankruptcy Procedure 9017 and as invoked by Local Bankruptcy Rule 9014(e).

Jurisdiction

Jurisdiction is founded upon 28 U.S.C. § 1334.
This is a core proceeding. 28 U.S.C. § 157(b)(2)(G).

36

1 Findings of Fact

2 Debtors filed their voluntary chapter 7 petition
3 on November 17, 2004. They scheduled a 2002 Chevrolet Malibu
4 ("vehicle") as property of the estate. The first meeting of
5 creditors was held on December 17, 2004. The chapter 7 trustee
6 filed a report finding that there is property available for
7 distribution from the estate over and above that exempted by
8 the debtor. The court observes that debtors were discharged
9 from all dischargeable debts on February 17, 2005.

10 On December 19, 2005, Americredit Financial
11 Services, Inc., ("movant") filed a motion, notice, and
12 declaration requesting that this court vacate the automatic
13 stay to permit movant to repossess the vehicle. The Kelley
14 Blue Book value of the vehicle is approximately \$9,675. Movant
15 holds a lien on the vehicle in the approximate amount of
16 \$13,500.02. The court is not aware of any other liens against
17 the vehicle. No opposition to the motion was filed. Upon
18 review of the record, the court determined that the written
19 record was adequate and that no oral argument is necessary.
20

21 Conclusions of Law

22 The automatic stay of acts against debtors in
23 personam and of acts against property other than property of
24 the estate continues until the earliest of the time when the
25 bankruptcy case is closed, dismissed, or an individual in a
26 chapter 7 case is granted a discharge. 11 U.S.C. § 362(c).

27 The automatic stay may be terminated earlier if
28 debtors fail to protect the secured party's interest

1 adequately, § 362(d)(1), and, with respect to a stay of an act
2 against property, debtors do not have equity in the property, §
3 362(d)(2)(A), and the property is not necessary to an effective
4 reorganization. 11 U.S.C. § 362(d)(2)(B). The issue of
5 whether the property is necessary to an effective
6 reorganization is not considered in a chapter 7 case because no
7 reorganization is contemplated in a chapter 7 case.

8 Although the debtors do not appear to have any
9 equity in the vehicle, since the debtors were granted a
10 discharge, the motion for relief from the automatic stay is
11 moot as to the debtors. Thus, the motion will be denied.

12 However, because the chapter 7 trustee filed an
13 asset report, and filed no opposition to the motion, the motion
14 will be granted as to the trustee.

15 An appropriate order will issue.

16 Dated: January 27, 2006

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20 UNITED STATES BANKRUPTCY JUDGE
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CERTIFICATE OF SERVICE

On the date indicated below, I served a true and correct copy(ies) of the attached document by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed and by depositing said envelope in the United States mail or by placing said copy(ies) into an interoffice delivery receptacle located in the Clerk's Office.

Lawrence & Katherine Crumbly
10134 Creek Trail Circle
Stockton, CA 95209

John C. Kyle
P.O. Box 192
Modesto, CA 95353-0192

Lawrence Gray
4719 Quail Lakes Dr. #G
PMB #255
Stockton, CA 95207

Abram Feuerstein
20 N. Sutter St. 4th Floor
Stockton, CA 95202

Office of the United States Trustee
United States Courthouse
501 "I" Street, Suite 7-500
Sacramento, CA 95814

John H. Kim
Cooksey, Toolen, Gage, Duffy & Woog
535 Anton Blvd., 10th Floor
Costa Mesa, CA 92626-1977

Dated: 1-30-06

M. Anderson

Deputy Clerk

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

CERTIFICATE OF MAILING

The undersigned deputy clerk in the office of the United States Bankruptcy Court for the Eastern District of California hereby certifies that a copy of the document to which this certificate is attached was mailed today to the following entities listed at the address shown on the attached list or shown below.

UNITED STATES
TRUSTEE OFFICE
501 I STREET #7-500
SACRAMENTO, CA 95814

DATED: 1-30-06

By: M. Anderson
Deputy Clerk